## REMARKS/ARGUMENTS

In the Final Office Action mailed September 12, 2007 (the "Final Office Action"):

1. **Claims 33, 37** are objected to under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim.
2. **Claims 1-15, 17-23, 28, 29, 34, 38-50, 53-56** are rejected under 35 USC 102() as being anticipated by U.S. Application Pub. No. 2002/0087885 ("Peled").
3. **Claims 16, 24, 25, 30-33, 35-37, 44** and **48** are rejected under 35 USC 103(a) as being unpatentable over Peled in view of WO 02/082271 ("Schmelzer").

The Final Office Action is unclear whether the objection to Claims 10, 11, 40 and 41 under 37 CFR 1.75(c) remains or has been withdrawn in view of the amendment filed 6/26/2007. From the language of the Final Office Action, it appears that the objection has been withdrawn. Therefore, this Reply to the Final Office Action assumes such to be the case. Confirmation of such withdrawal of the objection to claims 10, 11, 40 and 41, however, is requested.

### 1. Objection to Claims 33, 37:

The Office Action asserts that Claim 33 contains all the limitations and has the same scope as preceding Claim 32.

As previously explained, however, the software agents receive supernode recognition differently in Claims 32 and 33. In Claim 32, the software agents receive supernode recognition directly by simply informing the decentralized network that they are supernodes, whereas in Claim 33, they receive such recognition indirectly by reporting to the decentralized network that they possess attributes that qualify them as supernodes under the protocol of the decentralized network.

The difference may be significant, because in one type of decentralized network, the protocol of the network may require that supernodes identify themselves directly whereas in another type of decentralized network, the protocol may ignore such direct identification and make such determination indirectly according to reported attributes of the nodes. Thus, in one type of decentralized network the direct approach of claim 32 may be effective and the indirect approach of claim 33 ineffectual, whereas in another type of decentralized network the direct approach of claim 32 may be ineffectual and the indirect approach of claim 33 effectual. Accordingly, the two claims 32 and 33 cannot be identical limitations since they may result in different outcomes depending upon the protocol of the decentralized network.

Accordingly, applicants respectfully request reconsideration of the objection to Claim 33 in light of the foregoing reasons.

The Office Action also asserts that Claim 37 contains all the limitations and has the same scope as preceding Claim 36. Since Claims 36 and 37 correspond to Claims 32 and 33, applicants respectfully request reconsideration of the objection to Claim 37 for the reasons stated in reference to Claim 33.

**2. Rejection of Claims 1-15, 17-23, 28, 29, 34, 38-50, 53-56 under 35 USC 102:**

In rejecting Claim 1, the Final Office Action asserts that Peled's first and second surveillance elements 16, 18 respectively teach the "one or more first computers" and "one or more second computers" of Claim 1. In doing so, the Final Office Action notes that Peled's "first surveillance element is a network application that appears as a regular agent or client," and second surveillance elements perform a search based on an analysis

of data being transported, for example, query data, between other elements in the network." Accordingly, the Final Office Action states that a reasonable interpretation could be made that the second surveillance element (i.e., query matcher) receives and analyzes data from the first surveillance element (i.e., software agent).

Although Peled's second surveillance elements may receive query data from Peled's first surveillance elements, if they do, it is only by chance. The second surveillance elements 18 "eavesdrop" by searching data being transported "between other elements in the network." See paragraph [0101] of Peled. It is not a situation where Peled's first surveillance elements necessarily transmit search results to the second surveillance elements. Further, there is believed to be nothing in Peled to teach or suggest that even if the second surveillance elements receive search results from the first surveillance elements, that the second surveillance elements report matches of the search results with protected files back to the first surveillance elements (e.g., software agents), as recited in Claim 1.

Claim 1 has further been amended to clarify that the one or more second computers, as claimed therein, do not perform "eavesdropping" like Peled's second surveillance elements 18, thereby further distinguishing the claim from the teachings of Peled. In particular, whereas Peled's second surveillance elements perform analysis of data being transported between "other elements in the network," the one or more second computers of Claim 1 communicate with the one or more first computers but no other nodes of the decentralized network. Clearly, if Peled's second surveillance elements were limited to only communicating with the first surveillance elements, they would have no use as an alternative or supplementing surveillance means.

Accordingly, Claim 1 is believed to be patentable under 35 USC 102(b) over Peled for at least the foregoing reasons.

Claims 2-15, 17-23, 28, 29 and new Claim 71 are also believed to be patentable under 35 USC 102(b) over Peled since they depend from Claim 1, and as such, are believed to be patentable for at least the same reasons as stated in reference to Claim 1. New Claim 71 has been added to further limit communications between the one or more first computers and one or more second computers over a private network, and such a limitation is believed to be neither taught nor suggested by Peled. In fact, any communications between Peled's first and second surveillance elements appears to be openly performed through the file sharing network.

Further, Claims 8-16 and 28-29 refer to an interdiction technique involving the generation of modified search results which are forwarded through the decentralized network, and such an interdiction technique is believed to be neither taught nor suggested by Peled.

As defined in the application, the phrase "search results" refers to query matches that have been identified by nodes receiving a search string initiated by search initiating node. See paragraph [0029] of the application. Pelod's second surveillance elements appear to be such nodes, whereas Pelod's first surveillance elements are apparently search initiating nodes. Note that "search results" does not mean a file that is being downloaded. It refers to information identifying where the file may be downloaded from.

With this understanding of "search results", Peled is believed to fail to teach or suggest the interdiction of unauthorized copying by modifying such search results and forwarding

the modified search results through the decentralized network. In particular, there is believed to be nothing in Peled that teaches or suggests that Peled's second surveillance elements, which apparently receive such search results, modify such search results to interdict unauthorized copying of protected files referenced therein. Further, "deleting messages that contain protected content" (as described in reference to FIG. 12 of Peled) is believed not to constitute a modification of "search results" as that phrase is understood to mean as described above.

New Claims 73-80 have been added to claim such modification of search results for interdicting unauthorized copying of a protected file in a decentralized network.

Claim 34 is a method claim that parallels the limitations of Claim 1, and has been amended in a similar manner as Claim 1.

Accordingly, Claim 34 is also believed to be patentable under 35 USC 102 over Peled for the same reasons as stated in reference to Claim 1.

Claims 38-50, 53-56 and new Claim 72 are also believed to be patentable under 35 USC 102 over Peled since they depend from Claim 34, and as such, are believed to be patentable for at least the same reasons as stated in reference to Claim 34. Further, Claims 38-44 and 53-55 refer to an interdiction technique involving the generation of modified search results which are forwarded through the decentralized network, and such an interdiction technique is neither taught nor suggested by Peled for essentially the same reasons as stated in reference to Claims 8-16 and 28-29 above.

3. **Rejection of Claims 16, 24, 25, 30-33, 35-37, 44 and 48 under 35 USC 103(a):**

Elements of Claims 1 and 34 that are neither taught nor suggested by Peled, as explained above, are also believed to be neither taught nor suggested by Schmelzer.

Accordingly, Claims 16, 24, 25, 30-33 are believed to be patentable under 35 USC 103(a) over Peled in light of Schmelzer, since they depend from Claim 1, and as such, are believed to be patentable for at least the same reasons as stated in reference to Claim 1.

Similarly, Claims 35-37, 44, 48 are also believed to be patentable under 35 USC 103(a) over Peled in light of Schmelzer, since they depend from Claim 34, and as such, are believed to be patentable for at least the same reasons as stated in reference to Claim 34.

**Conclusion**

Claims 1-25, 28-50, 53-56 and new claims 71-80 remain pending in the application. Claims 26-27 and 51-52 have been withdrawn from consideration. Claims 57-70 have been cancelled. Reconsideration of the rejections of the claims is requested for the reasons stated herein, and an early notice of their allowability earnestly solicited.

If any fees are due and not already authorized for payment for the above-referenced patent application, please charge such fees to Deposit Account: 130762.

Respectfully submitted,

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